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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 MATTHEW L. HARRELL,

8 Plaintiff(s),

9 v.

10 CIRCLE K CLERK, et al.,

11 Defendant(s).

Case No. 2:15-CV-2359 JCM (PAL)

ORDER

12
13 Presently before the court is Magistrate Judge Leen's report and recommendation
14 ("R&R"). (ECF No. 5). No objections have been filed, and the deadline for filing objections has
15 since passed.

16 This court "may accept, reject, or modify, in whole or in part, the findings or
17 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects
18 to a magistrate judge's report and recommendation, then the court is required to "make a de novo
19 determination of those portions of the [report and recommendation] to which objection is made."
20 28 U.S.C. § 636(b)(1).

21 Where a party fails to object, however, the court is not required to conduct "any review at
22 all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149
23 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
24 magistrate judge's report and recommendation where no objections have been filed. *See United*
25 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
26 employed by the district court when reviewing a report and recommendation to which no
27 objections were made).

Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation and underlying filings, the court finds that good cause appears to adopt the magistrate judge's findings.

The magistrate judge found that plaintiff submitted a complaint, but failed to submit the IFP application for incarcerated litigants or remit the \$400.00 filing fee. (ECF No. 5). The magistrate judge thus recommends that the instant action be dismissed without prejudice to plaintiff's ability to commence a new action in which plaintiff either pays the appropriate filing fee in full or submits a completed application to proceed *in forma pauperis*. (ECF No. 5). The court agrees.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge Leen's R&R (ECF No. 5) be, and the same hereby is, ADOPTED in its entirety.

IT IS FURTHER ORDERED that the instant case be, and the same hereby is, DISMISSED WITHOUT PREJUDICE.

The clerk shall close the case.

DATED April 21, 2017.

James C. Mahan
UNITED STATES DISTRICT JUDGE